IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 278 of 2007()

CRIME NO.1/07 OF ALATHUR POLICE STATION.

: PETITIONER/ACCUSED

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1. M.GOPALAKRISHNAN, S/O.S.MURALEEDHARAN,
   M.G.K.NIVAS, NO.1 PUTHIYAVAR NAGAR,
   SIDHAPUR P.O., COIMBATORE.

2. MURALEEDHARAN, S/O.SREENIVASAN,
   M.G.K.NIVAS, NO.1 PUTHIYAVAR NAGAR,
   SIDHAPUR P.O., COIMBATORE.

3. P.KOMALAM, AGED 42 YEARS,
   W/O.MURALEEDHARAN, M.G.K.NIVAS,
   NO.1 PUTHIYAVAR NAGAR, SIDHAPUR P.O.,
   COIMBATORE.

BY ADV. SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENT: STATE

STATE OF KERALA, REPRESENTED BY
SHO, ALATHUR POLICE STATION, BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.278 OF 2007

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DATED THIS THE 18th DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 1 to 3 in Crime No.1/07 of Alathur Police Station for an offence punishable under section 498A read with section 34 IPC, seek anticipatory bail.

2. Petitioners are the husband, father-in-law and mother-in-law of Swapna the de facto complainant whose marriage with the first petitioner was solemnised on 11.11.2006.

2. Learned Public Prosecutor opposed the application.

4. In as much as within 10 days of her marriage, Swapna has left the matrimonial home and is alleging physical and mental torture by her husband and in-laws, I am not inclined to grant anticipatory bail to the first petitioner(first accused). Petitioners 2 and 3 being aged parents of the first petitioner, I am inclined to grant anticipatory bail to them. Accordingly, a direction is issued to the Investigating Officer to release petitioners 2 and 3 on bail for a period of one month in the event of their arrest in connection with the above crime on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. 2nd petitioner (2nd accused) shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 2 and 3 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 2 and 3 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 2 and 3 shall not commit any offence while on bail.

5. Petitioners 2 and 3 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If Petitioners 2 and 3 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

In the case of the first petitioner there is no reason why he should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the first petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

This application is allowed in part as above.

V.RAMKUMAR, JUDGE

dsn